

1  
2  
3  
4 SCOTT JOHNSON,  
5 Plaintiff,  
6 v.  
7  
8 GEORGES I. BECHWATI, et al.,  
9 Defendants.

10 Case No.18-cv-05477-VKD  
11  
12

**13 ORDER TO SHOW CAUSE RE  
14 SETTLEMENT**

15 The Court having been informed that the parties have settled this dispute, all previously  
16 scheduled deadlines and appearances are VACATED.  
17

18 On or before **February 11, 2019**, the parties shall file a stipulated dismissal pursuant to  
19 Fed. R. Civ. P. 41(a)(1)(ii). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without  
20 a court order (i) by notice if the defendants have not filed an answer or motion for summary  
judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants have  
filed answers to the complaint, plaintiff must file a stipulated dismissal pursuant to Rule  
41(a)(1)(ii).

21 If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom  
22 2, 5th Floor, 280 South First Street, San Jose, California on **February 26, 2019 at 10:00 a.m.** and  
23 show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a).  
24 Additionally, the parties shall file a statement in response to this Order to Show Cause no later  
25 than **February 19, 2019** advising as to (1) the status of the activities of the parties in finalizing  
26 settlement; and (2) how much additional time, if any, is requested to finalize the settlement and  
27 file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be  
28 automatically vacated and the parties need not file a statement in response to this Order.

1           **IT IS SO ORDERED.**

2       Dated: December 11, 2018

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

*Virginia K. Demarchi*  
VIRGINIA K. DEMARCHI  
United States Magistrate Judge